

ARKANSAS DEPARTMENT OF LABOR

NOTICE

to employer & employee

**All Employees Covered by
Arkansas Code 11-4-202 to 11-4-219
Must be Paid A
MINIMUM WAGE OF AT LEAST:**

- \$4.25** an hour effective July 1, 1994 with an allowance for gratuities not to exceed 50% of the minimum wage.
- \$4.75** an hour effective July 1, 1997 with an allowance for gratuities not to exceed 50% of the minimum wage.
- \$5.15** an hour effective October 1, 1997 with an allowance for gratuities not to exceed 50% of the minimum wage.

COVERAGE

The Arkansas Minimum Wage applies to an employer of four (4) or more persons except those already subject to the Federal Minimum Wage Law (Fair Labor Standards Act). All employees of the above employers are covered except:
*Executive, administrative or professional employees.
*Outside commission-paid salesmen.
*Students whose work is a part of a bona fide vocational training program.
*Students who work in the schools they are attending.
*Most farm laborers.
*Independent contractors.
*Employees of any government agency, except public schools and school districts.

STUDENT RATE

Any full-time student attending any accredited institution of education within the State of Arkansas, and who is employed to work an amount not to exceed twenty (20) hours during weeks that school is in session or forty (40) hours during weeks when school is not in session, such rate of wage shall be equal to not less than eighty-five (85%) of the applicable minimum wage. Student workers subject to the 85% provision of the applicable minimum wage rate and a gratuity allowance shall not be paid less than the base wage guaranteed any other employee subject to a gratuity allowance. Student Certificates of Eligibility are available from the Department of Labor.

HANDICAPPED WORKERS

The Director has established procedures for employment of these workers. For further information contact the Department of Labor.

AGE DISCRIMINATION

Recent Arkansas legislation prohibits "public employers" to discriminate on the basis of age. The prohibitions of this Act are limited to: (a) "public employers", and (b) individuals who are at least 40 years of age but less than 70 years of age. For further information contact the Department of Labor.

STUDENT-LEARNERS

A "Student-Learner" is a person who is receiving regular instructions in an accredited school and who is employed on a part-time basis in a bona fide training program. For further information contact the Department of Labor.

OVERTIME PAY

This Act provides overtime compensation at the rate of one and one-half times the regular hourly rate of pay for hours worked in excess of 40 hours in a workweek, except employees of hotels, motels, restaurants, and tourist attractions which have an annual sales volume of less than \$500,000.00, shall be compensated at the rate of one and one-half times their hourly rate of pay for all hours worked in excess of 44 hours in a workweek effective July 1, 1991. Effective July 1, 1992 employees of hotels, motels, restaurants, and tourist attractions shall be compensated at the rate of one and one-half times their regular hourly rate of pay for all hours worked in excess of 40 hours. This overtime provision shall not be applicable with respect to employers with less than 4 employees, employers subject to the Federal Minimum Wage Law, or agricultural employees.

WORKWEEK

A workweek is a regularly recurring period of 168 hours in the form of seven consecutive 24-hour periods.

ENFORCEMENT

Powers of the Director of Labor:
The Director or his representatives have the authority to:
(a) enter and inspect any place of employment in the State to examine books, payrolls, and records having to do with wages and hours. He may copy these records if necessary and may question any employees to find out if the law is being obeyed.
(b) require written or sworn statements from an employer about his employees' earnings and hours of work.
(c) enforce all regulations issued thereunder.

**DEDUCTIONS FROM
THE MINIMUM WAGE**

No deduction from the applicable minimum wage may be made except those authorized or required by law or by regulations of the Director of Labor, however, deductions which are not otherwise prohibited and which are for the employee's benefit may be made if authorized in writing by the employee.

KEEPING OF RECORDS

All employers subject to the Minimum Wage Law must keep accurate records for a period of 3 years. These records must include the name, address, occupation, rate of pay, and the amount paid each pay period for all employees covered by the law. In addition, every employer who claims an allowance for tips, board, lodging, apparel or other items or services as part of the applicable minimum wage rate, must maintain daily records showing for each employee the amounts claimed as allowances and must maintain records which will substantiate the amount of tips actually received by the employee or the employer's reasonable cost in supplying items or services to the employee.

EQUAL PAY

No employer in the State of Arkansas shall discriminate in the payment of wages as between the sexes or shall pay any female in his employ, salary or wage rate less than the rates paid to male employees for comparable work. Provided, however, that nothing in this Act shall prohibit a variation in rates of pay based upon a difference in seniority, experience, training, skill, ability, or difference in duties and services performed, or difference in the shift or time of the day worked, or any other reasonable differentiation except difference in sex. Every employer shall keep and maintain records of the salaries and wage rates, job classifications and other terms and conditions of employment of the persons employed by him and such records shall be preserved for a period of three (3) years.

PENALTIES

Any employer who willfully hinders or delays the Director or his authorized representative in the performance of his duties in the enforcement of these statutes or otherwise willfully violates any provision of these statutes or of any regulation issued under it shall be deemed in violation of the Minimum Wage Law and shall, be subject to a civil penalty of not less than fifth dollars (\$50.00) and not more than one thousand dollars (\$1,000.00) for each violation. For the purpose of this subsection, each such violation shall constitute a separate offense. Any employer who willfully discharges or in any other manner willfully discriminates against any employee because such employee has made any complaint to his employer, to the Director of Labor, or his authorized representative that he has not been paid minimum wages in accordance with the provisions of these statutes, or because such employee has caused to be instituted or is about to cause to be instituted any proceeding under or related to these statutes, or because such employee has testified or is about to testify in any such proceeding shall be deemed in violation of the

Minimum Wage Law and shall be subject to a civil penalty of not less than fifty dollars (\$50.00) and not more than one thousand dollars (\$1,000.00) for each violation. For the purpose of this section, each day the violation continues shall constitute a separate offense. In addition to the civil penalty, the Director of Labor is authorized to petition any court of competent jurisdiction to enjoin or restrain any person, firm, corporation, partnership, or association who violates the provision of these statutes or any regulation.

CHILD LABOR

State law regulates the employment of minors under the age of 18 and, generally, requires children under the age of 16 to have employment certificates. Employment certificates for children ages 14 and 15 are not required for seasonal agricultural laborers, newspaper carriers, or batboys of professional baseball clubs. Special provisions govern the employment of children in the entertainment industry, otherwise, children that are 14 and 15 years of age may not work:

- *More than 8 hours a day.
- *More than 6 days a week.
- *More than 48 hours a week.
- *Before 6:00 a.m. nor after 7:00 p.m. except on nights preceding non-school days, such children may work until 9:00 p.m. Children under 14 may not be employed except in the entertainment industry, as newspaper carriers, bat boys or bat girls of professional baseball clubs, to hand harvest short season crops, or by their parents or guardians during school vacation.

- Children that are 16 and 17 years of age may not work:
 - *More than 10 hours a day.
 - *More than 6 days a week.
 - *More than 54 hours a week.
 - *Before 6:00 a.m. nor after 11:00 p.m.

except that the limitation of 11:00 p.m. shall not apply to children 16 and 17 years of age employed on nights preceding non-school days. Provided, however, that no boy or girl between the ages of 16 and 18 shall be subject to the provisions of this Act if:

- (a) such boy or girl is a graduate of any high school, vocational school or technical school;
- (b) such boy or girl is married or is a parent.

Act 647 of 1987 allows for the employment of children in the entertainment industry provided the child is issued an Entertainment Work Permit by the Director of Labor. Child labor violations result in a civil money penalty of not less than \$50.00 and not more than \$1,000.00 for each violation.

**IF YOU HAVE QUESTIONS CONCERNING
THE ARKANSAS MINIMUM WAGE LAW,
TELEPHONE 682-4505.**

WAGE COLLECTION

The Wage Collection Act provides assistance to any employee in the collections of wages due him or her for work performed. Work performed shall include all or any work or service performed by any person employed for any period of time where the wages or salary or remunerations for such work or services are to be paid at stated intervals or at the termination of such employment, or for physical work actually performed by an independent contractor, provided that the amount in controversy does not exceed the sum of one thousand dollars (\$1,000.00). Employees who need help in collecting wages due them should contact the Arkansas Labor Department. Telephone 682-4510.

**THIS POSTER CONTAINS ONLY A SUMMARY
Copies of the complete laws and regulations are available from the Department of Labor**

**ARKANSAS DEPARTMENT OF LABOR
10421 WEST MARKHAM STREET
LITTLE ROCK, ARKANSAS 72205
PHONE (501) 682-4500
FAX (501) 682-4506
TDD (800) 285-1131**

**EMPLOYERS SUBJECT TO THE MINIMUM WAGE ACT ARE REQUIRED TO
POST THIS NOTICE IN A CONSPICUOUS PLACE FOR ALL EMPLOYEES.**